

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 **ANDREW CAMERON BAILEY,**
12 **CONSTANCE BAXTER MARLOW,**

13 **Plaintiffs,**

14 **vs.**

15 **U.S. BANK NA as Trustee for WFMBS**
16 **2006-AR2; WELLS FARGO BANK**
17 **NA; WELLS FARGO HOME**
18 **MORTGAGE; WELLS FARGO**
19 **ASSET SECURITIES**
20 **CORPORATION; LEHMAN**
21 **BROTHERS INC; and All Persons**
22 **Unknown, Claiming Any Legal or**
23 **Equitable Right, Title, Estate, Lien, Or**
24 **Interest in The Property Described in**
25 **The Complaint Adverse to Plaintiffs'**
26 **Title, Or Any Cloud On Plaintiffs' Title**
27 **Thereto; and JOHN DOES "1-10"**
28 **inclusive,**

Defendants.

Case No. CV11-3227 GW (CWx)
Hon. George H. Wu
Ctrm. 10 - Spring St.

(PROPOSED) ORDER GRANTING
MOTION TO DISMISS
PLAINTIFFS' COMPLAINT

Date: June 30, 2011
Time: 8:30 a.m.
Ctrm: 10

Complaint Filed: April 15, 2011

1 The motion of Defendants WELLS FARGO BANK, N.A. (erroneously sued
 2 as Wells Fargo Home Mortgage and Wells Fargo Asset Securities Corporation) and
 3 U.S. BANK, NATIONAL ASSOCIATION, as Trustee for WFMBS 2006-AR2
 4 (collectively "Defendants") to dismiss the complaint of Plaintiffs ANDREW
 5 CAMERON BAILEY and CONSTANCE BAXTER MARLOW pursuant to
 6 Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which
 7 relief can be granted came on regularly for hearing on June 30, 2011, at 8:30 a.m. in
 8 Courtroom 10, the Honorable George H. Wu presiding. Appearances are as noted
 9 on the record.

10 The Court, having read and considered Defendants' motion to dismiss, the
 11 memorandum of points and authorities in support thereof, and any opposition
 12 thereto, and having heard argument from the parties, granted Defendants' motion to
 13 dismiss Plaintiffs' complaint without leave to amend, on the grounds that Plaintiffs
 14 failed to state any claim against Defendants upon which relief can be granted.

15 GOOD CAUSE APPEARING,

16 **IT IS HEREBY ORDERED** that the motion of Defendants' to dismiss
 17 Plaintiffs' complaint is granted without leave to amend.

18 **IT IS FURTHER ORDERED** that the case is dismissed in its entirety with
 19 prejudice as to Defendants WELLS FARGO BANK, N.A. (erroneously sued as
 20 Wells Fargo Home Mortgage and Wells Fargo Asset Securities Corporation) and
 21 U.S. BANK, NATIONAL ASSOCIATION, as Trustee for WFMBS 2006-AR2.
 22
 23

24 DATED: _____

 HONORABLE GEORGE H. WU
 UNITED STATES DISTRICT COURT
 JUDGE